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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA

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8 IN RE  
9 CARRIER IQ, INC.,  
10 CONSUMER PRIVACY LITIGATION.

No. C-12-md-2330 EMC

**ORDER RE PLAINTIFFS' MOTIONS  
TO APPOINT LEAD COUNSEL**

**(Docket Nos. 68, 77)**

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14 Currently pending before the Court are two competing motions to appoint interim lead  
15 counsel. Each of the two slates is well qualified. After considering all the factors set forth in this  
16 Court's Pretrial Order dated May 1, 2012 (Docket No. 20) (Order at 6-7), the Court hereby  
17 **GRANTS** the motion filed by the Hagens Berman and Pearson Simon law firms. While both slates  
18 are well qualified, and the Court is particularly impressed with the early work of the Strange &  
19 Carpenter law firm, the Court finds that the Hagens Berman and Pearson Simon firms, together with  
20 the other firms identified below comprising the executive committee, present an especially  
21 impressive set of qualifications with broad and deep experience in handling large, complex  
22 litigation, and proven resources to litigate this large, complex class action. In addition, counsel have  
23 represented to the Court that they will adopt measures to ensure that costs and expenses, including  
24 attorney's fees, are kept within reasonable bounds. The management team appears to be structured  
25 efficiently.

26 Accordingly, the Hagens Berman and Pearson Simon law firms are designated interim co-  
27 lead counsel. In addition, the Court approves the use of an executive committee as proposed by the  
28 two law firms and names the following firms as members of that committee: (1) the Arias Ozzello

1 law firm; (2) the Levin Fishbein law firm; (3) the Finkelstein Thompson law firm; and (4) the Kiesel  
2 Boucher law firm. Pearson Simon shall serve as liaison counsel. The Court notes that, although it  
3 has appointed the above-named firms, it encourages co-lead counsel to work with other firms, in  
4 particular, those from the competing slate (such as the Strange & Carpenter firm) should resources  
5 beyond the executive committee be needed.

6 Having appointed interim counsel, the Court imposes the following case management  
7 deadlines.

8 1. Co-lead counsel shall file a consolidated amended complaint by **August 27, 2012**.  
9 2. Co-lead counsel shall also file by **August 27, 2012**, proposed guidelines that they will  
10 follow to limit costs and expenses including attorney's fees. The proposed guidelines should  
11 address staffing practices (*e.g.*, number of attorneys attending each deposition and court hearings),  
12 limits on travel expenses (*e.g.*, coach air fare), etc. Guidelines must provide that: (a) daily,  
13 contemporaneous time records must be maintained; (b) block-billing time records shall not be  
14 permitted; (c) time records must be based on the tenth of an hour (not a quarter of an hour); (d) time  
15 records must be submitted to co-lead counsel for review no later than the week following the last  
16 day of a month; and (e) co-lead counsel will appoint one senior attorney from either Hagens Berman  
17 or Pearson Simon to collect all billing records monthly and conduct a monthly review of time  
18 records to ensure that costs and expenses are reasonable, with the understanding that the Court may,  
19 in its discretion, call upon counsel to submit those records and/or a report for the Court's  
20 independent review.

21 3. The parties shall exchange initial disclosures by **September 27, 2012**.

22 4. Within a week after the filing of the consolidated amended complaint, the parties  
23 shall begin to meet and confer regarding a discovery plan. The meet and confer should address,  
24 *inter alia*, the phasing, scope, and timing of discovery. Until a discovery plan is submitted to the  
25 Court, there shall be no discovery taken by any party other than (a) initial disclosures, (b) discovery  
26 directed at the anticipated motion(s) to compel arbitration, or (c) discovery stipulated to by the  
27 parties.

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1       5. By **October 11, 2012**, Defendants shall file their motion(s) to compel arbitration.  
2 Defendants shall meet and confer prior to filing any motion to compel arbitration to determine  
3 whether a single consolidated motion is possible. If one consolidated motion is not possible because  
4 of the number of Defendants, Defendants should determine, at the very least, whether joint motions  
5 by groupings are feasible. Defendants are forewarned that the Court shall not accept what amounts  
6 or is akin to one motion to compel per each Defendant. The deadline for filing the motion(s) to  
7 compel may be extended per stipulation in order to conduct discovery if necessary.

8              This order disposes of Docket Nos. 68 and 77.

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10              IT IS SO ORDERED.

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12              Dated: July 16, 2012

  
EDWARD M. CHEN  
United States District Judge